

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MINNESOTA**

UNITED STATES OF AMERICA,
STATE OF MINNESOTA,
STATE OF CALIFORNIA,
STATE OF NORTH CAROLINA,
STATE OF TENNESSEE,
STATE OF TEXAS, and
STATE OF UTAH,

No. 0:23-CV-03009-JRT-JFD

Plaintiffs,

v.

AGRI STATS, INC.,

Defendant.

JOINT MOTION REGARDING CONTINUED SEALING

Documents have been filed under temporary seal in connection with the following motion:

- Agri Stats, Inc.'s Motion to Dismiss, ECF No. 77.

Pursuant to Local Rule 5.6, the parties submit this Joint Motion Regarding Continued Sealing.

DKT NO.	DKT. NO. OF REDACTED DOCUMENT (IF FILED)	DESCRIPTION OF DOCUMENT	PRECISELY IDENTIFY: a) The information that the parties agree should remain sealed; b) The information the parties agree should be unsealed; and c) The information about which the parties disagree	NONPARTY THAT DESIGNATED DOC. CONFIDENTIAL (IF ANY)	REASON WHY DOCUMENT SHOULD REMAIN SEALED OR BE UNSEALED
90		Exhibit 1: Transcript of Deposition of Stacey Edwards from <i>In re Turkey Antitrust Litigation</i> , 19-cv-8318 (N.D. Ill.), dated 6/2/2022	The parties disagree on whether the entire transcript excerpt should remain sealed.	N/A	Plaintiffs: The document should be unsealed in its entirety. The transcript excerpt discusses the reasons an Agri Stats customer stopped receiving services from Agri Stats, a subject Agri Stats' Vice President discussed in his unredacted declaration. See ECF No. 80 at ¶¶ 3-7. The testimony does not indicate how or why those communications are confidential and therefore the presumption of public access should prevail.

				<u>Agri Stats:</u> The transcript excerpt should remain sealed because the testimony addresses sensitive business communications between Agri Stats and its customers regarding the relationship between the companies. The disclosure of those communications could impact Agri Stats' relationships with its current customers.
90-1	Exhibit 2: Transcript of Deposition of Stacey Edwards from <i>In re Pork Antitrust Litigation</i> , 18-cv-1776 (D. Minn.), dated 1/25/2022	The parties disagree on whether the entire transcript excerpt should remain sealed.	N/A	<u>Plaintiffs:</u> The document should be unsealed in its entirety. The transcript excerpt discusses the reasons an Agri Stats customer stopped receiving services from Agri Stats, a subject Agri Stats' Vice President discussed in his unredacted declaration. <i>See</i> ECF No. 80 at ¶¶ 3-7. The testimony does not indicate how or why those communications are confidential and therefore the presumption of public access should prevail. <u>Agri Stats:</u> The transcript excerpt should remain sealed

					because the testimony addresses sensitive business communications between Agri Stats and its customers regarding the relationship between the companies. The disclosure of those communications could impact Agri Stats' relationships with its current customers.
90-2		<p>Exhibit 3:</p> <p>Agri Stats Presentation dated 1/28/2020, bearing production number AGS-000025123</p>	<p>The parties disagree on whether the specific information on page 5 of the document should remain sealed, with the exception of the revenue number in the second to last bullet of that page.</p> <p>The parties have no disagreement with the rest of the document remaining under seal.</p>	N/A	<p>Plaintiffs: The information on page 5 is relevant to the disputed motion; this page appears in the Opposition Brief (ECF No. 87 at p.13) with a single financial figure redacted. Plaintiffs maintain that the presumption of public access should prevail with respect to this page, but do not take a position as to whether the revenue number should remain redacted, nor do Plaintiffs take a position as to whether the rest of the document should remain sealed.</p> <p>Agri Stats: This document should remain sealed because</p>

				it outlines detailed information regarding Agri Stats budgeting, prices, profits & losses, and forward-looking business initiatives. The pricing information in the presentation identifies specific prices for individual customers that can remain static for years. Some of the business initiatives discussed throughout the presentation are ongoing and the disclosure of them could harm Agri Stats' ability to complete those initiatives.
90-3	Exhibit 4: Minutes of September 23, 2019 meeting of Agri Stats Board of Directors, bearing production number AGS-0000024571	With the exception of specific revenue information, the parties disagree as to whether Item 1 of page 1 of Exhibit 4 should remain under seal. The parties have no disagreement with the rest of the document remaining under seal.	N/A	Plaintiffs: The information on page 1, item 1, bullet point 3 is relevant to the disputed motion. Plaintiffs maintain that the presumption of public access should prevail with respect to this portion of the document, but do not take a position as to whether the revenue figure (beginning "US\$") should remain redacted. Plaintiffs accept Defendant's representation that the document contains

					information regarding ongoing business initiatives and do not object to the continued sealing of the remainder of the document.
90-4	Exhibit 5: Agri Stats Presentation dated 11/16/2020, bearing production number AGS-0000020704	The parties disagree as to whether page 5 of Exhibit 5 should remain under seal, with the exception of	N/A	Agri Stats: This document should remain sealed because it outlines detailed information regarding Agri Stats budgeting, prices, profits & losses, and forward-looking business initiatives. The pricing information in the document identifies specific prices for individual customers that can remain static for years. Some of the business initiatives discussed throughout the document are ongoing and the disclosure of them could harm Agri Stats' ability to complete those initiatives.	Plaintiffs: The information on pages 5-6 is relevant to the disputed motion. Plaintiffs maintain that the presumption of public access should prevail with respect to page 5, but do not take a

		<p>the specific revenue numbers on that page. The parties have no disagreement with the rest of the document remaining under seal.</p>	<p>position as to whether the revenue number in the second to last bullet point should remain redacted. Plaintiffs accept Defendant's representation that page 6 contains forward-looking financial information and do not object to its continued sealing. With respect to the remainder of the document, Plaintiffs take no position on whether it should remain sealed.</p> <p><u>Agri Stats:</u> This document should remain sealed because it outlines detailed information regarding Agri Stats budgeting, prices, profits & losses, and forward-looking business initiatives. The pricing information in the presentation identifies specific prices for individual customers that can remain static for years. Some of the business initiatives discussed throughout the presentation are ongoing and the disclosure of them could</p>
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					harm Agri Stats' ability to complete those initiatives.
90-5	Exhibit 6: Exhibit 0317 from the deposition of Eric Scholer <i>In re Turkey Antitrust Litigation</i> , 19-cv-8318 (N.D. Ill.), dated June 7, 2022 (minutes from the July 15, 2019 National Turkey Federation Executive Committee Meeting)	The parties have no disagreement with the document remaining under seal.	The National Turkey Federation	<p>Plaintiffs: Because this document was produced by a third party, Plaintiffs agree that the document should remain under seal at least until such time as a protective order is entered in this case with provisions concerning the confidentiality of non-party documents.</p> <p>Agri Stats: Agri Stats takes no position on the continued sealing of this document but notes that this document was not produced by Agri Stats and was not designated as "HIGHLY CONFIDENTIAL" by Agri Stats. Agri Stats understands that this document was produced by the National Turkey Federation ("NTF") with the "HIGHLY CONFIDENTIAL" designation.</p>	
90-6	Exhibit 7:	The parties have no disagreement with the	N/A	<p>Plaintiffs: Plaintiffs take no position on whether this</p>	

	Agri Stats Service Agreement, effective 2/23/2023, bearing production number AGS-0000019926	document remaining under seal. .		document should remain sealed. <u>Agri Stats:</u> This document should remain sealed because it is a current contract with a customer identifying the scope of work that Agri Stats provides as well as the compensation Agri Stats receives from that customer. The public dissemination of this information could drastically impact Agri Stats' ongoing customer relationships.
90-7	Exhibit 8: Email between Michiel Boele and Eric Scholer attaching Agri Stats Presentation dated 11/16/2020, bearing production number AGS-0000020703	The parties disagree as to whether page 5 of Exhibit 8 should remain under seal, with the exception of the revenue number in the second to last bullet of that page. The parties have no disagreement with the rest of the document remaining under seal.	N/A	<u>Plaintiffs:</u> The information on pages 5-6 is relevant to the disputed motions. Plaintiffs maintain that the presumption of public access should prevail with respect to page 5, but do not take a position as to whether the revenue number in the second to last bullet point should remain redacted. Plaintiffs accept Defendant's representation that page 6 contains forward-looking information and do not object

					<p>to its continued sealing. With respect to the remainder of the document, Plaintiffs take no position on whether it should remain sealed.</p> <p>Agri Stats: This document should remain sealed because it outlines detailed information regarding Agri Stats budgeting, prices, profits & losses, and forward-looking business initiatives. The pricing information in the presentation identifies specific prices for individual customers that can remain static for years. Some of the business initiatives discussed throughout the presentation are ongoing and the disclosure of them could harm Agri Stats' ability to complete those initiatives.</p>
86	87	Plaintiffs' Opp. to Def's Mot. to Dismiss, ECF No. 87 at p.13 fig. 1, p. 14.	P.13, Fig. 1: The parties agree that the financial information currently redacted in Figure 1 on p. 13 of	N/A	<p>Plaintiffs: The redacted sentence on page 14 of the brief should be unsealed. That sentence merely discloses the name of an Agri Stats customer. As alleged in the Complaint, and</p>

		<p>ECF No. 87 should remain under seal.</p> <p>P. 14: The parties disagree on whether the sentence on page 14 of ECF No. 87 should remain under seal.</p>	<p>specifically at ¶¶ 42 and 106, Agri Stats routinely discusses its customers with other customers and non-customers. Plaintiffs agree that the financial information currently redacted in Figure 1 can remain under seal.</p> <p><u>Agri Stats:</u> Figure 1 in Plaintiffs' opposition should remain redacted because it identifies Agri Stats internal business considerations regarding changes to the company's business operations. The figure also identifies sensitive revenue information from programs unrelated to the pending litigation. The sentence on PDF page 14 should also remain redacted because it discusses a contract provision in an active contract with one of Agri Stats' customers.</p>
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Dated: March 1, 2024

Respectfully submitted,

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